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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,961	07/18/2003	Ronald J. Hoffart	GROU-010	4003

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/622,961	Applicant(s) HOFFART, RONALD J.	
	Examiner Alexandra K Pechhold	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/19/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-10 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frisbee (US 4,405,019).**

Regarding claims 1 and 14, Frisbee discloses an implement mounting system comprising:

- a support frame (seen as arms 20 and 22)
- a ball joint attached to the support frame (viewed as trunnion mounting 56)
- a support arm (seen as cylinder 50) having a first end and second end, wherein the first end is attached to the ball joint and wherein the second end receives an attachment structure for an implement (as shown in Fig. 2), and
- a brace member (seen as link 66) attached between the support frame and the support arm, wherein the brace member has an angle with respect to the support arm for reducing side-to-side movement of the support arm (illustrated in Figs. 1 and 2).

Frisbee fails to disclose specifically a *ball* joint, instead disclosing a trunnion

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mounting (56) (seen in Figs. 1 and 2). Yet Frisbee does disclose that the that the cylinder (50) is suitably secured within a trunnion mounting (56) mounted to frame (12) such that it has complete freedom of movement in any direction (Col 4, lines 58-61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the trunnion mounting of Frisbee to be a ball joint, since both connections allow for complete freedom of movement, therefore providing the same function and would be interchangeable in achieving the same purpose.

Regarding claims 2 and 15, Frisbee fails to disclose specifically a ball-and-socket-structure, instead disclosing a trunnion mounting (56) (seen in Figs. 1 and 2). Yet Frisbee does disclose that the that the cylinder (50) is suitably secured within a trunnion mounting (56) mounted to frame (12) such that it has complete freedom of movement in any direction (Col 4, lines 58-61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the trunnion mounting of Frisbee to be a ball joint, since both connections allow for complete freedom of movement, therefore providing the same function and would be interchangeable in achieving the same purpose.

Regarding claims 3, 4, 16, and 17, from Fig. 1 of Frisbee the angle between the cylinder (50) and link (66) appears to be about 75 degrees. Frisbee fails to disclose the particular angular degree between the components. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the angle between the cylinder (50) and link (66) of Frisbee to be less than 75 degrees and greater than 10 degrees, or less than 55 degrees and greater than 10 degrees, since

both ranges appear to be close to that illustrated by Frisbee in Fig. 1, and furthermore, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claims 5, 6, and 18, Frisbee discloses in column 5, lines 5-12 that the link (66) is pivotally connected by a ball and socket joint to bracket (68) and to bracket (70).

Regarding claims 7 and 19, the link (66) is attached to a cross member, seen as bar (76) in Figs. 1 and 2, which is attached transversely to the cylinder (50).

Regarding claims 8 and 20, bar (76) receives a pair of vertical actuators, seen as (72) and (74) in Figs. 1 and 2.

Regarding claim 9, the link (66) is attached near a distal end of the torsion bar (76).

Regarding claim 10, Fig. 1 illustrates the distal end of bar (76) being on an opposite side of the cylinder (50) of where the link (66) is attached to the support frame (20, 22).

Regarding claim 12, the link (66) can be viewed as attached to a rear support of the support frame (20, 22) in Fig. 1, if that portion where it is attached is termed a rear support.

Regarding claim 13, the link (66) is attached to a side of the arm (20), and thereby can be viewed as being attached to a side support of the support frame.

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Allowable Subject Matter

3. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

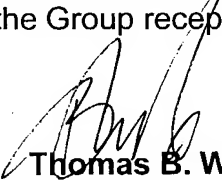
Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
5/11/04